

MWS: USAO2006R00673

SEP 10 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

AT GREENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

UNITED STATES OF AMERICA

v.

CARL JACK SMITH,
a/k/a C,
a/k/a James Rice, and
ALVIN LEROY SPENCER,
a/k/a Pretty,

Defendants

CRIMINAL NO. AW-08-0211

(Bank Fraud, 18 U.S.C. § 1344;
Aggravated Identity Theft, 18 U.S.C.
§ 1028A(a)(1); Aiding and Abetting,
18 U.S.C. § 2; Forfeiture, 18 U.S.C.
§ 982)

SUPERSEDING INDICTMENTCOUNT ONE

The Grand Jury for the District of Maryland charges:

The Scheme to Defraud

1. From on or about March 1, 2006 through at least on or about December 31, 2006, the defendants, **CARL JACK SMITH** and **ALVIN LEROY SPENCER**, and others known and unknown to the grand jury knowingly and willfully devised and intended to devise, and executed and attempted to execute, a scheme and artifice to defraud financial institutions, including Crestar Bank, SunTrust Bank, Bank of America, and the Columbia Bank, among others, whose deposits were insured by the Federal Deposit Insurance Corporation, and to obtain monies, funds and credits from these banks by means of false and fraudulent pretenses, representations and promises ("the scheme to defraud").

2. It was a part of the scheme to defraud that a coschemer provided stolen checks to **SMITH**.

3. It was a further part of the scheme to defraud that **SMITH** manufactured and caused to be manufactured counterfeit checks, using information obtained from the stolen checks.

4. It was a further part of the scheme to defraud that **SMITH** manufactured and caused to be manufactured identification documents, including but not limited to driver's licenses and employee identification cards, bearing the names and addresses of payees listed on the stolen and counterfeit checks, but substituting photographs of coschemers.

5. It was a further part of the scheme to defraud that **SPENCER** and coschemers used the stolen and counterfeit checks and fraudulent identification documents to obtain funds from financial institutions, including Crestar Bank, SunTrust Bank, Bank of America, and the Columbia Bank, among others, at branch locations in Maryland and the District of Columbia.

Executing the Scheme to Defraud

6. On or about July 13, 2006, in the District of Maryland and elsewhere, the defendants,

**CARL JACK SMITH, and
ALVIN LEROY SPENCER,**

knowingly executed and attempted to execute the scheme to defraud by cashing a check payable to A.C. and F.C. in the amount of \$3,852.42 at the SunTrust Bank branch located at 4805 Annapolis Road, Bladensburg, Maryland.

18 U.S.C. § 1344

18 U.S.C. § 2

COUNT TWO

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. On or about July 13, 2006, in the District of Maryland and elsewhere, the defendants,

**CARL JACK SMITH, and
ALVIN LEROY SPENCER,**

knowingly possessed and used, without lawful authority, a means of identification of another person – that is, the names of A.C. and F.C., and identification cards in the names of A.C. and F.C. – to facilitate cashing a \$3,852.42 check at the SunTrust Bank branch located at 4805 Annapolis Road, Bladensburg, Maryland, during and in relation to a felony violation, that is, bank fraud, in violation of Title 18, United States Code, Section 1344, as charged in Count One of this Indictment and incorporated here.

18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 2

COUNT THREE

The Grand Jury for the District of Maryland further charges:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. On or about July 28, 2006, in the District of Maryland and elsewhere, the
defendants,

**CARL JACK SMITH, and
ALVIN LEROY SPENCER,**

knowingly executed and attempted to execute the scheme to defraud by cashing a check payable to M.B. in the amount of \$697.55 at the Bank of America branch located at 3651 Bladensburg Road, Colmar Manor, Maryland.

18 U.S.C. § 1344

18 U.S.C. § 2

COUNT FOUR

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. On or about July 28, 2006, in the District of Maryland and elsewhere, the defendants,

**CARL JACK SMITH, and
ALVIN LEROY SPENCER,,**

knowingly possessed and used, without lawful authority, a means of identification of another person – that is, the name of M.B. and identification cards in the name of M.B. – to facilitate cashing a \$697.55 check at the Bank of America branch located at 3651 Bladensburg Road, Colmar Manor, Maryland, during and in relation to a felony violation, that is, bank fraud, in violation of Title 18, United States Code, Section 1344, as charged in Count Three of this Indictment and incorporated here.

18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 2

COUNT FIVE

The Grand Jury for the District of Maryland further charges:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. On or about August 15, 2006, in the District of Maryland and elsewhere, the defendants,

**CARL JACK SMITH, and
ALVIN LEROY SPENCER,,**

knowingly executed and attempted to execute the scheme to defraud by cashing a check payable to T.G. in the amount of \$3,560.33 at the Bank of America branch located at 2001 Davidsonville Road, Crofton, Maryland.

18 U.S.C. § 1344

18 U.S.C. § 2

COUNT SIX

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. On or about August 15, 2006, in the District of Maryland and elsewhere, the defendants,

**CARL JACK SMITH, and
ALVIN LEROY SPENCER,**

knowingly possessed and used, without lawful authority, a means of identification of another person – that is, the name of T.G. and identification cards in the name of T.G. – to facilitate cashing a \$3,560.33 check at the Bank of America branch located at 2001 Davidsonville Road, Crofton, Maryland, during and in relation to a felony violation, that is, bank fraud, in violation of Title 18, United States Code, Section 1344, as charged in Count Five of this Indictment and incorporated here.

18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 2

COUNT SEVEN

The Grand Jury for the District of Maryland further charges:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. On or about September 7, 2006, in the District of Maryland and elsewhere, the defendants,

**CARL JACK SMITH, and
ALVIN LEROY SPENCER,,**

knowingly executed and attempted to execute the scheme to defraud by cashing a check payable to P.H. in the amount of \$1,307.38 at the Bank of America branch located at 3651 Bladensburg Road, Colmar Manor, Maryland.

18 U.S.C. § 1344

18 U.S.C. § 2

COUNT EIGHT

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. On or about September 7, 2006, in the District of Maryland and elsewhere, the defendants,

**CARL JACK SMITH, and
ALVIN LEROY SPENCER,**

knowingly possessed and used, without lawful authority, a means of identification of another person – that is, the name of P.H. and identification cards in the name of P.H. – to facilitate cashing a \$1,307.38 check at the Bank of America branch located at 3651 Bladensburg Road, Colmar Manor, Maryland, during and in relation to a felony violation, that is, bank fraud, in violation of Title 18, United States Code, Section 1344, as charged in Count Seven of this Indictment and incorporated here.

18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 2

COUNT NINE

The Grand Jury for the District of Maryland further charges:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. On or about October 11, 2006, in the District of Maryland and elsewhere, the defendants,

**CARL JACK SMITH, and
ALVIN LEROY SPENCER,**

knowingly executed and attempted to execute the scheme to defraud by cashing a check payable to E.H. in the amount of \$9,920.00 at the Columbia Bank branch located at 7600 Old Branch Avenue, Clinton, Maryland.

18 U.S.C. § 1344

18 U.S.C. § 2

COUNT TEN

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 5 of Count One are incorporated here.
2. On or about October 11, 2006, in the District of Maryland and elsewhere, the defendants,

**CARL JACK SMITH, and
ALVIN LEROY SPENCER,**

knowingly possessed and used, without lawful authority, a means of identification of another person – that is, the name of E.H. and identification cards in the name of E.H. – to facilitate cashing a \$9,920.00 check at the Columbia Bank branch located at 7600 Old Branch Avenue, Clinton, Maryland, during and in relation to a felony violation, that is, bank fraud, in violation of Title 18, United States Code, Section 1344, as charged in Count Nine of this Indictment and incorporated here.

18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 2

FORFEITURE ALLEGATION

1. The allegations of Counts One, Three, Five, Seven, and Nine of this Superseding Indictment (charging violations of 18 U.S.C. § 1344) are incorporated here for the purpose of alleging forfeitures to the United States of America pursuant to the provisions of 18 U.S.C. § 982.

2. As a result of the offenses alleged in Counts One, Three, Five, Seven, and Nine, the defendants,

**CARL JACK SMITH, and
ALVIN LEROY SPENCER,**

shall forfeit to the United States all property, real and personal, involved in the aforestated offenses and all property traceable to such property, including, but not limited to the following:

a. \$164,723.35 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property which was involved in the aforestated offenses or is traceable to such property.

b. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants –

- (i) cannot be located upon the exercise of due diligence;
- (ii) has been transferred or sold to, or deposited with, a third person;
- (iii) has been placed beyond the jurisdiction of the Court;
- (iv) has been substantially diminished in value; or
- (v) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b)(2), to seek forfeiture of any other property of said defendant up to the value of the property charged with forfeiture, \$164,723.35, including:

- (i) \$57,826 in U.S. currency, seized from Safe Deposit Box #56, Chevy Chase Bank, 2831 Alabama Avenue, S.E., Washington D.C.;
- (ii) \$3,499.01 in U.S. currency, seized from Safe Deposit Box #55, Chevy Chase Bank, 2831 Alabama Avenue, S.E., Washington D.C.;
- (iii) \$5,084 in U.S. currency, seized from 3900 Hamilton Street #304, Hyattsville, Maryland;
- (iv) \$300 in U.S. currency, seized from the parking lot located at 7100 Allentown Rd., Fort Washington, MD 20744;
- (v) assorted jewelry, seized from Safe Deposit Box #56, Chevy Chase Bank, 2831 Alabama Avenue, S.E., Washington D.C.; and
- (vi) assorted jewelry, seized from Safe Deposit Box #55, Chevy Chase Bank, 2831 Alabama Avenue, S.E., Washington D.C.

18 U.S.C. § 982

A TRUE BILL:

SIGNATURE REDACTED

Rod J. Rosenstein/mus
Rod J. Rosenstein
United States Attorney

Date: *9/10/08*